

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 792

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Sections 66537, 66537.1, 66537.2, 66537.3, 66537.4, 66537.5, ~~and~~ 66537.6, *and* 66537.7 to the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 792, as amended, DeSaulnier. Regional entities: Bay Area.

Existing law creates the Metropolitan Transportation Commission, the Bay Area Toll Authority, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission, with various powers and duties relative to all or a portion of the 9-county San Francisco Bay Area region with respect to transportation, air quality, and environmental planning, as specified. Another regional entity, the Association of Bay Area Governments, is created as a joint powers agency comprised of cities and counties under existing law with regional planning responsibilities. Existing law provides for a joint policy committee of certain regional entities in this 9-county area to collaborate on regional coordination. Existing law requires regional transportation planning agencies, as part of the regional transportation plan in urban areas, to develop a sustainable communities strategy pursuant to Senate Bill 375 of the 2007–08 Regular Session coordinating transportation, land use, and air quality planning, with specified objectives.

This bill would require the joint policy committee to prepare a regional organization plan for the affected regional entities. The *regional* organization plan would include a plan for *integrating*, by July 1, 2016,

certain major planning documents of the individual entities into a comprehensive regional plan that also addresses other specified goals, and a plan for consolidating certain functions that are common to the regional entities and reducing overhead costs. The regional organization plan would also include a statement relative to the expected reduction of overhead, operation, and management costs. The bill would require the joint policy committee to ensure public participation in the development and adoption of the plan, to hold at least one public hearing in each county of the region, and to adopt a final plan by June 30, 2015. The bill would also require the joint policy committee to develop and adopt public and community outreach and inclusive public participation programs and to maintain an Internet Web site. The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. The bill would require the joint policy committee, until a comprehensive regional plan is adopted, to conduct a review of the major planning documents and associated policies, and plans, and associated regulations; regulations of each regional entity, including an assessment of the consistency of the documents, policies, plans, and regulations among the regional entities with each other, with the requirements of Senate Bill 375 of the 2007–08 Regular Session, and with the goals and policies adopted by the advisory committee on economic competitiveness. The bill would provide that the joint policy committee shall be responsible for ensuring that the sustainable communities strategy for the region integrates transportation, land use, and air quality management consistent with that legislation. The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. The bill would require the joint policy committee to issue a consistency report describing the findings of each review and to hold hearings in that regard, and would require the applicable regional entity to consider the findings. The bill would require all cost savings derived from implementation of the regional organization plan to be directed to the joint policy committee's general fund. By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program.

The bill would require the Legislative Analyst's Office to analyze voting power disparities based on population, race, and ethnicity relative to the voting power of each city and county on the governing board of each of the regional agencies, and to report to the Legislature by July 1, 2014, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66537 is added to the Government Code,
2 to read:
3 66537. For purposes of Sections 66537.1 to ~~66537.5~~ 66537.7,
4 inclusive, the following definitions shall apply:
5 (a) "Region" means the area encompassed by the Counties of
6 Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo,
7 Santa Clara, Solano, and Sonoma.
8 (b) "Regional entities" means the Metropolitan Transportation
9 Commission, including any joint exercise of powers agencies that
10 include the commission as a member agency; the Bay Area Toll
11 Authority; the Bay Area Air Quality Management District; the San
12 Francisco Bay Conservation and Development Commission; and
13 the Association of Bay Area Governments.
14 SEC. 2. Section 66537.1 is added to the Government Code, to
15 read:
16 66537.1. (a) The joint policy committee *created pursuant to*
17 *subdivision (d) of Section 66536* shall prepare a regional
18 organization plan. ~~The joint policy committee shall adopt goals~~
19 ~~and policies to govern the preparation of the plan. Among the goals~~
20 ~~shall be a statement as to the expected reduction in the cost of~~
21 ~~overhead and in the operation and management of the regional~~
22 ~~entities. All cost saving shall be directed to the joint policy~~
23 ~~committee's general fund. In addition, goals shall be adopted for~~

1 ~~integrating the regional planning requirements for the regional~~
2 ~~plans of each regional entity into a comprehensive regional plan.~~
3 *that includes all of the following:*

4 *(1) A plan for integrating, by July 1, 2016, the major planning*
5 *documents described in subdivision (c) of Section 66536.1 into a*
6 *comprehensive regional plan that also addresses priority*
7 *infrastructure needs, the goals and policies related to economic*
8 *development opportunities adopted pursuant to subdivision (b) of*
9 *Section 66537.6, and social equity goals to ensure that people of*
10 *all income levels, races, and ethnicities share fairly in the benefits*
11 *and burdens associated with the comprehensive regional plan and*
12 *its implementation.*

13 ~~(b) The regional organization plan shall include a~~

14 *(2) A plan for consolidating the functions that are common to*
15 *the regional entities, including, but not limited to, personnel and*
16 *human resources, budget and financial services, electronic data*
17 *and communications systems, legal services, contracting and*
18 *procurement of goods and services, public information and*
19 *outreach services, intergovernmental relations, transportation, land*
20 *use, economic, and related forecasting models, and other related*
21 *activities. Consideration shall be given to ensuring that there are*
22 *common personnel classifications where appropriate among the*
23 *regional entities, and the consolidation of other functions or*
24 *activities, as deemed feasible, that will further the mission of the*
25 *joint policy committee and will reduce redundancy. The plan shall*
26 ~~*be updated as determined by the joint policy committee also*~~
27 *include a statement as to the expected reduction in the cost of*
28 *overhead and in the cost of operation and management of the*
29 *regional entities.*

30 ~~(e)~~

31 *(b) On or before December 31, 2014, the staff shall submit to*
32 *the joint policy committee a draft regional organization plan. The*
33 *joint policy committee shall ensure early, continuous, and inclusive*
34 *public participation in the development and adoption of the*
35 *regional organization plan and shall hold at least one public*
36 *hearing in each county of the region to receive public comment*
37 *on the draft plan. A final plan shall thereafter be adopted for*
38 *implementation on or before June 30, 2015.*

1 (c) *All cost savings derived from implementation of the regional*
2 *organization plan shall be directed to the joint policy committee's*
3 *general fund.*

4 SEC. 3. Section 66537.2 is added to the Government Code, to
5 read:

6 66537.2. The joint policy committee shall develop and adopt
7 public and community outreach *and inclusive public participation*
8 policies to govern the ~~scheduling of development and adoption of~~
9 *the regional organization plan as well as regular joint policy*
10 ~~committee meetings, meetings. These policies shall also govern~~
11 the meetings of regional entities, the meetings of standing
12 committees, and meetings of ad hoc or other temporary committees.
13 In developing the policies, the joint policy committee shall ensure
14 that outreach programs ~~will~~ *are inclusive of*
15 *limited-English-proficient populations, and* utilize all available
16 communication technologies, including webcasting and social
17 media, print, radio, and television. The joint policy committee
18 shall also establish policies for the holding workshops of the joint
19 policy committee and the regional entities in the cities and counties
20 of the region. The joint policy committee shall provide an
21 opportunity for the public to comment on the draft and the final
22 recommended policies. The policies shall be adopted on or before
23 October 31, 2014.

24 SEC. 4. Section 66537.3 is added to the Government Code, to
25 read:

26 66537.3. The joint policy committee shall maintain an Internet
27 Web site containing relevant information pertaining to the joint
28 policy committee's activities.

29 SEC. 5. Section 66537.4 is added to the Government Code, to
30 read:

31 66537.4. The joint policy committee shall be subject to the
32 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
33 of Part 1 of Division 2 of Title 5).

34 SEC. 6. Section 66537.5 is added to the Government Code, to
35 read:

36 66537.5. (a) ~~Beginning on January 1, 2014, Until the joint~~
37 *policy committee adopts a comprehensive regional plan as*
38 *described in Section 66537.1, the joint policy committee shall*
39 ~~review the policies and plans, and associated regulations, of each~~

~~regional entity. The both the draft and adopted versions of both~~
of the following:

(1) Major planning documents described in subdivision (c) of
Section 66536.1.

(2) Policies, plans, and regulations of each regional entity
associated with the major planning documents.

(b) The review shall include an assessment of the consistency
of the planning documents, policies, plans, and regulations ~~among~~
~~the regional entities with each other~~, with the requirements of
Senate Bill 375 of the 2007–08 Regular Session, and with the goals
and policies related to economic development opportunities
adopted pursuant to subdivision (b) of Section 66537.6. The joint
policy committee shall issue a consistency report describing the
findings of ~~this each~~ review. The joint policy committee shall hold
public and community hearings in accordance with its public
outreach policies regarding the draft consistency findings. The
findings of ~~the each~~ consistency review shall be ~~used in fulfilling~~
~~the joint policy committee's regional planning responsibilities~~
considered by the applicable regional entity in connection with
any proposed amendment to a planning document, policy, plan,
or regulation.

~~(b) The joint policy committee shall be responsible for ensuring
that the sustainable communities strategy for the region integrates
transportation, land use, and air quality management consistent
with the requirements of Senate Bill 375 of the 2007–08 Regular
Session.~~

SEC. 7. Section 66537.6 is added to the Government Code, to
read:

66537.6. (a) The joint policy committee shall appoint an
advisory committee on economic competitiveness with members
from the business community, including representatives of small
businesses; ~~and the~~ technology and manufacturing sectors,
community colleges, public and private universities, labor, local
governments, ~~community organizations with an interest in~~
~~expanding economic opportunity for low-income populations and~~
~~communities~~, and other organizations involved with the private
economy.

(b) The joint policy committee, in consultation with the advisory
committee, shall adopt goals and policies related to the inclusion
of economic development opportunities in the plans of the regional

1 entities *and the comprehensive regional plan*. The goals and
2 policies shall also promote amenities that are special to the region
3 and contribute to the region's quality of life. *Social equity goals*
4 *and considerations shall be integrated throughout to ensure that*
5 *low-income populations and populations of color share fairly in*
6 *the benefits and burdens of the economic development goals and*
7 *policies and their implementation.*

8 SEC. 8. Section 66537.7 is added to the Government Code, to
9 read:

10 66537.7. *On or before July 1, 2014, the Legislative Analyst's*
11 *Office shall analyze and report to the Legislature on the voting*
12 *power that each city and county in the region has on the governing*
13 *board of each of the regional entities, including an analysis of any*
14 *voting power disparities based on population, race, and ethnicity.*
15 *The analysis shall utilize appropriate metrics, such as votes per*
16 *million in population. The report to the Legislature shall include*
17 *recommended changes to regional entity governance and voting,*
18 *including any recommended legislation, that would lessen*
19 *disparities, if any, to insignificant levels.*

20 ~~SEC. 8:~~

21 SEC. 9. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.